REMARKS

Claims 17, 23 and 34 have been amended. New claims 45-48 have been added. Support for the amendment can at least be found in the specification in paragraphs [0002], [0013], [0039], [0044] and [0056] and in claim 1 as originally presented. Claims 1-16 and 35-44 have been canceled without prejudice to their further prosecution in a continuation and/or divisional application. Cancellation of claims 1-16 and 35-44 is unrelated to patentability. Claims 17-34 and 45-48 are pending.

Double Patenting

Claims 17-20 and 23-34 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-14, 16-19, and 22-34 of U.S. Patent No. 6,797,306.

The instant application is a continuation of U.S. Pat. Appl. No. 09/481,451, now U.S. Pat. No. 6,797,306. Accordingly, this rejection is obviated by the filing of an appropriate terminal disclaimer. Pursuant to 37 CFR 1.130(b), a terminal disclaimer pursuant to 37 CFR 1.321(c) with respect to U.S. Pat. No. 6,797,306 is filed herewith.

Claim Rejections Under 35 U.S.C. § 102

Claims 17, 21-23, 25, 27, 29, and 31-33 were rejected under 35 U.S.C. 102(b) as being anticipated by Heath et al (US 5,494,622). Heath discloses an apparatus for forming a composite web having selected discrete pocket regions containing high-absorbency material.

With regard to claim 17, according to the Examiner, Heath discloses a web casting apparatus comprising a discharge manifold (30) having a hollow interior chamber (Fig. 2), a plurality of inlet openings connected to pipes (52, 92) for receiving material, a discharge opening (68) for discharging the material from the chamber, and a roller (42, 110) mounted adjacent to the chamber (3) for pressing the material into a layer.

Importantly, Heath does not disclose each and every element of claim 17. The alleged discharge manifold (30) of Heath is described as a pattern chamber 30 receiving and depositing high-absorbency particulate or fibrous materials 28 onto a gas-permeable carrier layer 26. The gas-permeable carrier layer 26, provided by a web supply roll 40 formed upstream of the alleged manifold, permits gas flow at a rate sufficient to carry and direct (i.e. air-lay) the particulate materials 28 onto appointed pocket regions arrayed over the surface of the carrier layer 26.

Heath's pattern chamber 30 is not described as discharging molten, viscous material, nor is Heath's pattern chamber configured to discharge molten, viscous material according to the structure recited in claim 17. Heath's alleged discharge manifold 30 is described as a pattern chamber 30 for receiving and depositing high-absorbency particulate or fibrous materials 28 onto a carrier layer 26 formed upstream of the pattern chamber and forming drum.

Claim 17 recites a roller rotatably mounted adjacent to the chamber wherein a gap is defined between an outer surface of the roller and a casting surface and wherein the roller is configured to discharge a continuous sheet of molten, viscous material and to cooperate with the casting surface to extrude the material received in the gap from the discharge opening (*see* specification, paragraphs [0002] and [0013]). Heath does not disclose a gap between an outer surface of a roller and a casting surface. Moreover, Heath does not disclose such an arrangement where the roller is configured to discharge a continuous sheet of molten, viscous material and to cooperate with the casting surface to extrude the material received in the gap from the discharge opening as recited in claim 17. Heath's gap is merely an opening allowing the rotatable forming drum to transport a pre-formed carrier layer 26 onto which additional, particulate materials are vacuum-deposited at discrete pocket regions of the carrier layer while passing over the forming drum. Accordingly, Heath's "gap" has nothing to do with extrusion of a continuous sheet of molten, viscous material, nor does Heath's "roller" cooperate with the casting surface to extrude a continuous sheet of molten, viscous material.

The roller (42, 110) of Heath is described as a rotatable forming drum (42) providing a foraminous forming means (col. 5, lines 53-54) rotating to transport a carrier layer delivered thereon into, through, and then out from the pattern chamber (93; col. 6, lines 21-25). The forming drum includes a predetermined pattern of openings (60) allowing passage of gas flow through the openings and into interior of the forming drum (42) to provide for the desired pattern of discrete pocket regions (24) formed onto the carrier layer (26; col. 6, lines 54-65). A vacuum supplying means provides gas flow through the forming drum for air-laying the particles of high-absorbency material 28 onto the appointed pocket regions 24 arrayed over the surface of the carrier layer 26 (col. 7, lines 25-31). In other words, the roller of Heath is actually a vacuum-linked drum for air-laying absorbent materials onto an already formed web layer rotating over and around the roller 42 and through the pattern chamber 30. Accordingly, Heath's "roller" is *not* configured to discharge a continuous sheet of molten, viscous material.

Heath further fails to disclose a casting surface according to claim 17. If there is an analogous casting surface to be found in Heath, it is on the roller itself, since this is the site over which the air-layed materials are deposited. However, if this were the case, the roller would not be *cooperating* with the casting surface to extrude molten, viscous material received through Examiner's gap (68). Given the vacuum in Heath's "roller," any molten, viscous material would either get pulled in so as to prevent its extrusion, or if it were not sufficiently pulled in, there would be an efflux of molten material out through the openings in all directions as the forming drum/roller is turning, thereby precluding the possibility of extruding a *continuous sheet* of molten, viscous material.

If, however, the casting surface is to be found on what the Examiner construes to be casting belts (124, 126, 128) according to claim 23, Heath would not anticipate claim 17, since there is no cooperation between the roller (or forming drum) and any of the casting belt surfaces to extrude molten, viscous material received in the gap from the discharge opening, particularly since these casting belt surface are far removed from the gap.

Claim 17 further recites a manifold inlet opening into a discharge manifold for receiving molten, viscous material wherein the manifold inlet is configured for

attachment to piping. One of the alleged manifold inlets (52) is described in Heath as a supply conduit 52 for delivering high-absorbency material via a particle delivery system (col. 4, lines 9-16). The other alleged manifold inlet (92) is described as a conduit 92 forming a part of a fiber delivery conveying system providing a selected quantity of fibrous matrix material 90 into the pattern chamber 30 (col. 12, lines 48-52). The Examiner identified pipes (52, 92) connected to *inlet openings* for receiving materials. Heath's so-called pipes are merely *conduits* though which particulate material is conveyed. However, Applicants' claims recite manifold inlets attached to or configured for attachment to pipes. Neither of Heath's alleged inlet openings constitute *manifold inlets* configured for attachment to piping. Moreover, neither Heath nor the Examiner provides a distinction between manifold inlets and pipes. In any event, Heath fails to disclose this combination of essential elements. Consequently, Heath does not disclose inlets attached to pipes as recited in claims 21 and 22. Further, there is no indication of the disclosed *conduits* being configured for attachment to piping or to a manifold. If anything, they appear to constitute piping without manifold inlets.

Dependent claim 23 further includes a casting belt mounted adjacent to the manifold and downstream of the roller comprising a casting surface. The Examiner construes Heath's described roller/belt (124) as the casting belt of claim 23. Heath describes a conveying means, including a system of transporting belts and rollers 124, 126, and 128 for moving the web of distribution material 104 (col. 14, lines 54-58) – not for casting (or receiving) molten, viscous material from a gap defined by the outer surface of the roller (or forming drum in this case) and the casting surface. To the contrary, Heath's disclosed roller/belt is *not* a casting belt for receiving molten, viscous material according to claim 23, but merely a roller/belt for transporting a pre-formed particulate web in conjunction with a belt at a point far removed from the gap.

Because Heath does not disclose each and every element of the rejected claims, Applicants respectfully request withdrawal of the rejection against claims 17, 21-23, 25, 27, 29, and 31-33.

Claim Rejections Under 35 U.S.C. § 103

Claims 18-20 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Heath et al ('622) as applied to claims 17, 21-23, 25, 27, 29, 31-33 and further in view of Meyer et al (US 3,801,255). To support a prima facie case for obviousness, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Because none of the prior art individually or collectively discloses or suggests each and every claim limitation for the reasons set forth above as applied to claims 17, 21-23, 25, 27, 29, and 31-33, the combination of Heath and Meyer does not render obvious claims 18-20 and 28. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Heath et al ('622) as applied to claims 17, 21-23, 25, 27, 29, 31-33 and further in view of Collins (US 4,815,370). Because none of the prior art individually or collectively discloses or suggests each and every claim limitation for the reasons set forth above as applied to claims 17, 21-23, 25, 27, 29, and 31-33, the combination of Heath and Collins does not render obvious claim 24. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 26 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Heath et al ('622) as applied to claims 17, 21-23, 25, 27, 29, 31-33 above, and further in view of Skovhage et al (US 4,976,981). Because none of the prior art individually or collectively discloses or suggests each and every claim limitation for the reasons set forth above as applied to claims 17, 21-23, 25, 27, 29, and 31-33, the combination of Heath and Skovhage does not render obvious claims 26 and 30. Accordingly, Applicants respectfully request withdrawal of this rejection.

In view of the above arguments and amendments presented above, it is believed that this application is now in condition for allowance. Such action is respectfully requested. If for any reason the Examiner is unable to allow the

application, Applicants respectfully request an interview with the undersigned attorney or agent to discuss any outstanding issues.

Respectfully submitted,

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